

Oral Argument Has Not Been Scheduled

No. 13-1308

**IN THE UNITED STATES COURT OF APPEALS
FOR THE DISTRICT OF COLUMBIA CIRCUIT**

UNITED STATES POSTAL SERVICE,
Petitioner,

v.

POSTAL REGULATORY COMMISSION,
Respondent.

ALLIANCE OF NONPROFIT MAILERS, *et al*
Intervenors for Respondent.

**UNOPPOSED MOTION OF THE UNITED STATES POSTAL SERVICE
FOR A SEVEN-DAY EXTENSION TO FILE REPLY BRIEF**

Pursuant to Fed. R. App. P. 26(b) and 27, and Circuit Rules 27(h) and 28(e), the United States Postal Service respectfully moves this Court to grant the Postal Service, petitioner herein, a seven-day extension to file its reply brief, presently due on July 29, 2014. As extended, the reply brief would be due on August 5, 2014. Counsel for Respondent, the Postal Regulatory Commission (“Commission”), and counsel for all of the intervenors have authorized the undersigned attorney to represent that they do not oppose this motion.

1. This matter is before the Court on a petition for a review of an order of the Postal Regulatory Commission interpreting the annual price cap on market-dominant postal rates. *See* 39 U.S.C. § 3622(d). Several organizations have intervened on behalf of the Commission.

2. The Postal Service filed its opening brief on May 19, 2014, and filed an amended brief on May 27, 2014. The Commission filed its brief on June 30, 2014. The intervenors' brief in support of the Commission is due to be filed on July 15, 2014. Under the current briefing schedule, the Postal Service's reply brief is due on July 29, 2014.

3. The requested extension is requested in part because undersigned counsel for the Postal Service is a key contributor to the Postal Service's argument in separate proceedings before this Court, *U.S. Postal Service v. Postal Regulatory Commission*, No. 14-1010 (consolidated with *Alliance for Nonprofit Mailers, et al. v. Postal Regulatory Commission*, No. 14-1009). The Postal Service's reply brief in those consolidated proceedings is due on July 10, 2014. Then, from July 12 through July 21, 2014, undersigned counsel will be out of the country on pre-planned annual leave, and will not return to the office until July 22, one week after the intervenors' brief in the instant matter is filed and one week before the Postal Service's reply brief is presently due.

4. A one-week extension will give the Postal Service adequate time to respond to the arguments raised by the Commission and the intervenors, and to have the brief reviewed by the relevant personnel within the Postal Service. The Postal Service has not previously sought an extension or a modification to the briefing schedule.

5. Granting this motion will not prejudice the parties or the Court. Oral argument has not yet been scheduled in this case. And, as mentioned above, counsel for the PRC and the intervenors have consented to the requested extension.

6. For the reasons stated, the Postal Service respectfully requests that this Court extend the deadline for the filing of the Postal Service's reply brief to Tuesday, August 5, 2014.

Respectfully submitted,

/s/ David C. Belt

David C. Belt

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CERTIFICATE OF SERVICE

I certify that on July 3, 2014, I electronically filed the foregoing motion with the Clerk of the Court for the U.S. Court of Appeals for the District of Columbia Circuit by using the appellate CM/ECF system. All participants are registered CM/ECF users, and will be served by the appellate CM/ECF system.

/s/ David C. Belt

David C. Belt

Counsel for Petitioner

July 3, 2014